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| KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507 | | | ARK, DARREN W | |
| | | | ART UNIT | PAPER NUMBER |
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DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|--|---------------------------|----------------------|
| <i>[Signature]</i> Office Action Summary | Application No. | Applicant(s) |
| | 10/715,676 | WILLIAMS, CHARLES H. |
| | Examiner Darren W. Ark | Art Unit 3643 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/5/2004.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second support and the transverse support are adjustable in length (claim 7) and the first and second supports include an adjuster for adjusting the length of the first and second supports (claim 17) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 7 is objected to because of the following informalities:

Claim 7, line 2, "support" should be changed to --supports-- since there are two supports recited.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7, 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 7, the term "said transverse support" lacks positive antecedent basis since "at least one transverse support" was set forth previously in claim 6.

In regard to claim 18, the phase "for adjusting the length of said first and second supports" renders the claim vague and indefinite since an adjuster on the first and second members should only be for adjusting the length of the first and second members.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 8, 9, 11, 12, 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Daigle 5,803,519.

In regard to claims 1-3, Daigle discloses a base (14 or 16) including a brace (cross-brace 32 or 50) is capable of providing the necessary structure for securing during use) in the plane, and first and second opposed members (22, 24 or 38, 40, 42, 44), a transverse member (20 or 36); and an accessory support (14 or 16) with a plurality of stations (defined by 28, 30 or 52, 54).

In regard to claim 4, Daigle discloses the brace (50) being a bracket with at least one fastener (C-shaped clamps at both ends, also 50 is attached by being riveted).

In regard to claim 5, Daigle discloses the base with rectangular frame (16) wherein the first and second members (38, 40, 42, 44) extend transverse to the long axis of the accessory support (14; see Fig. 4), and first and second transverse members (36, 50) extend in a direction generally perpendicular to the first and second members.

In regard to claims 6, 8, 9, and 16, Daigle discloses an accessory support (14) with first and second supports (22, 24) and at least one transverse support (20, 28, 32); a base with first and second members (38, 40, 42, 44) that are adjustable (via 46, 48)

and a brace (50), wherein the accessory support is collapsible relative to the base (see Figs. 1, 4); a hinge (49, 51).

In regard to claims 11 and 12, Daigle discloses at least one rod receptacle (30) which includes an aperture (leftmost opening in one of 30 through which 68 protrudes from in Fig. 3), a support region (opposite end or rightmost end of the one of 30 having an edge which is similar to the aperture), and a channel (intermediate extent of 30).

7. Claims 1-3, 5, 6, 9-12, 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hodgson, Sr. 5,228,227.

Hodgson et al. discloses a base (12) with a brace (defined by 58 capable of being secured around a seat pedestal or also 14), first and second members (lateral sides of 12 on either side of 14), at least one transverse member (either portion of 12 between 14 & 22 or portion of 12 between 14 & 16 in Fig. 1C); an accessory support (23) including a plurality of accessory stations (capable of receiving a plurality of structures thereon; stations not being particularly claimed), first and second supports (30), a transverse support (33); at least one hinge (22);

In regard to claim 10, Hodgson et al. discloses the first and second members (lateral sides of 12) extend beyond a point of intersection (at 22; also see Figs. 4A, B) of the accessory support (23) with the base (12; see Fig. 1B).

In regard to claim 12, Hodgson et al. discloses a rod receptacle (defined by 28 for rod 19) with an aperture (at either end of 28 allowing 19 to pass therethrough as in Fig. 1B), support region (middle part of 28), and a channel (defined between 28).

8. Claims 1-4, 6, 9-12, 16, 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zawadzki 2,973,929.

Zawadzki discloses a base (12, 14) with a brace (54) having at least one fastener (wing nut), first and second members (12, 14), at least one transverse member (16); an accessory support (26) including a plurality of accessory stations (52) and first and second supports (28, 30, 34, 36) including an adjuster (40, 41); at least one hinge (42).

In regard to claim 10 and 16, Zawadzki discloses the first and second members extend beyond a point of intersection of the accessory support with the base (see Figs. 1, 2, 4).

In regard to claims 11 and 12, Zawadzki discloses a rod receptacle (52) comprising an aperture (at either end of 52), a support region (intermediate part of 52), and a channel (defined by 52).

9. Claims 1-3, 6-8, 11, 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Benson et al. 4,964,233.

Benson et al. discloses an accessory support with first and second opposed supports (19 and portion below) and at least one transverse support (14) for supporting a plurality of stations (see Fig. 1); a base (12) with first and second members (sides of triangle defined by 12), a brace (bottom of triangle defined by frame 12 which is capable of attaching the base to another structure); the first and second supports and first and second members capable of being adjusted (could be cut to length).

10. Claims 1-4, 6-9, 11, 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ivy et al. 4,523,403.

Ivy et al. discloses an accessory support with first and second opposed supports (vertical parts of 11) and at least one transverse support (26) for supporting a plurality of stations (35-37); a base (13) with first and second members (lateral sides of 13), a brace (16) with at least one fastener (17-19), a transverse member (rear part of 13); at least one hinge (12).

In regard to claims 7 and 8, the first and second supports and first and second members capable of being adjusted (could be cut to length).

11. Claims 1-11, 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Koppel 4,479,322.

Koppel discloses a base with a brace (10) with at least one fastener (fastener for securing 10 to 5), first and second members (6), at least one transverse member (5, 11); an accessory support (13-15) with at least one transverse support (14).

In regard to claims 7 and 8, Koppel discloses the first and second supports, transverse support, and first and second members being adjustable in length (can be cut to length).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daigle 5,803,519.

Daigle does not disclose the first and second supports or the transverse support being adjustable in length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the first and second support and the transverse support such that they are adjustable in length, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art, and because allowing the first, second, and transverse supports to be adjustable would provide the user with a device that can accommodate as many rods as required or adjust the size of the device according to the space requirements in the usage environment. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

14. Claims 5, 8, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zawadzki 2,973,929 in view of Schaeffer 3,546,805.

Zawadzki discloses the first and second members (12, 14) extending in a direction transverse to the long axis of the accessory support (26), but does not disclose the base being a rectangular frame with first and second transverse members extending in a direction perpendicular to the first and second members. Schaeffer discloses a base being a rectangular frame (1) with first and second transverse members (7, 15, or 69) extending in a direction perpendicular to the first and second members (3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the base of Zawadzki such that the first and second transverse members extending perpendicular to the first and second members in view of Schaeffer

in order to provide a wider base throughout that provides greater stability when supporting the rods.

In regard to claims 8 and 18, Zawadzki does not disclose the first and second members being adjustable in length. Schaeffer discloses the first and second members (3) being adjustable in length (via 11). It would have been obvious to a person of ordinary skill in the art to modify the first and second members of Zawadzki such that the first and second members are adjustable in length in view of Schaeffer in order to adjust the length of the base to the amount of space available for the base and provide the greatest stability in the device as possible.

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zawadzki 2,973,929.

Zawadzki discloses the first and second supports being adjustable in length, but does not disclose the transverse support being adjustable in length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the transverse support such that it is adjustable in length, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art, and because allowing the transverse support to be adjustable would provide the user with a device that can accommodate as many rods as required or adjust the size of the device according to the space requirements in the usage environment. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

16. Claims 4, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. 4,964,233 in view of Zawadzki 2,973,929.

Benson et al. does not disclose the bracket with at least one fastener. Zawadzki discloses the bracket (54) with at least one fastener (wing nut). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the brace of Benson et al. such that it is a bracket with at least one fastener in view of Zawadzki in order to provide mounting structure which can be adjustably fitted about the auxiliary structure or dismantled for compactness during disassembly.

In regard to claim 10, Benson et al. does not disclose the first and second members extending beyond the point of intersection of the accessory support with the base. Zawadzki discloses the first and second members (12, 14) extending beyond the point of intersection of the accessory support (28, 30) with the base (12, 14). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the first and second members of Benson et al. such that they extend past the point of intersection of the accessory support with the base in view of Zawadzki in order to provide a base covering a larger area and thus providing more stability in a direction forward of the accessory support which is important when a fish is pulling downwardly upon a line of a supported rod.

17. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. 4,964,233 in view of Schaeffer 3,546,805.

Benson et al. discloses the base being triangular, but does not disclose the base being a rectangular frame with first and second transverse members extending in a direction perpendicular to the first and second members. Schaeffer discloses a base being a rectangular frame (1) with first and second transverse members (7, 15, or 69)

extending in a direction perpendicular to the first and second members (3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the base of Benson et al. such that the first and second transverse members extending perpendicular to the first and second members in view of Schaeffer in order to provide a wider base throughout that provides greater stability when supporting the rods.

18. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. 4,964,233.

Benson et al. does not disclose the first and second supports, the transverse support, or the first and second members being adjustable in length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the first and second support and the transverse support such that they are adjustable in length, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art, and because allowing the first, second, and transverse supports to be adjustable would provide the user with a device that can accommodate as many rods as required or adjust the size of the device according to the space requirements in the usage environment. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. 4,964,233 in view of Deering 4,763,435.

Benson et al. does not disclose the accessory support being attached to the base via at least one hinge. Deering discloses an accessory support (6) attached to a base

(1-3) via at least one hinge (5). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the hinge of Deering between the accessory support and base of Benson et al. in order to allow the accessory support to fold down such that it is coplanar with the base and is thus easier to store or transport.

20. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. 4,964,233 in view of Dobbs 3,444,643.

Alternatively, Benson et al. does not disclose the rod receptacle including an aperture, a support region and channel or the rod receptacle being adjustably attached to the transverse support allowing for multiple axis adjustability of the receptacle. Dobbs disclose a plurality of fishing rod receptacles which are adjustably attached to a support allowing for multiple axis adjustability of the receptacle and which comprise an aperture (86), a support region (88), and a channel (84) for receiving a bolt (nut and bolt assy. 94). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the rod receptacle of Benson et al. such that it has an aperture, support region, and channel and which can be adjusted about multiple axes in view of Dobbs in order to be able to direct the rod in different directions from other rods and allow for different rod tip elevations which suit the amount of space in the usage environment.

21. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. 4,964,233 in view of Shearer et al. 5,987,804.

Benson et al. does not disclose the rod receptacle including an aperture, a support region and channel or the rod receptacle being adjustably attached to the transverse support allowing for multiple axis adjustability of the receptacle. Shearer et al. discloses a plurality of fishing rod receptacles (50) which are adjustably attached to a support allowing for multiple axis adjustability of the receptacle. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the rod receptacle of Benson et al. such that it has an aperture, support region, and channel and which can be adjusted about multiple axes in view of Shearer et al. in order to be able to direct the rod in different directions from other rods and allow for different rod tip elevations which suit the amount of space in the usage environment.

22. Claims 7, 8, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivy et al. 4,523,403.

Ivy et al. does not disclose the first and second supports, the transverse support, or the first and second members being adjustable in length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the first and second support and the transverse support such that they are adjustable in length, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art, and because allowing the first, second, and transverse supports to be adjustable would provide the user with a device that can accommodate as many rods as required or adjust the size of the device according to the space requirements in the usage environment. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

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23. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ivy et al. 4,523,403 in view of Koppel 4,479,322.

Ivy et al. does not disclose the first and second members which extend beyond the point of intersection of the accessory support with the base. Koppel discloses the first and second members (6) which extend beyond the point of intersection of the accessory support (15) with the base. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the first and second members of Ivy et al. such that they extend past the point of intersection of the accessory support with the base in view of Koppel in order to provide a base covering a larger area and thus providing more stability in a direction forward of the accessory support which is important when a fish is pulling downwardly upon a line of a supported rod.

24. Claims 7, 8, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppel 4,479,322.

Koppel does not disclose the first and second supports, the transverse support, or the first and second members being adjustable in length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the first and second support and the transverse support such that they are adjustable in length, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art, and because allowing the first, second, and transverse supports to be adjustable would provide the user with a device that can accommodate

as many rods as required or adjust the size of the device according to the space requirements in the usage environment. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

Allowable Subject Matter

25. Claim 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA